

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL PARTNERS, INC.,      **CIVIL ACTION**

Plaintiff,

**NO. 07-CV- 02768-JP**

v.

FACEBOOK, INC. and THEFACEBOOK, LLC,

Defendants.

**ORAL ARGUMENT REQUESTED**

**FACEBOOK MOTION NO. 5**

**FACEBOOK'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY  
JUDGMENT PRECLUDING INJUNCTION**

COME NOW the defendants Facebook, Inc. and Thefacebook, LLC (collectively "Facebook"), by and through undersigned counsel, and hereby move for partial summary judgment precluding Plaintiff Cross Atlantic Capital Partners, Inc. ("XACP") from seeking injunctive relief.

The grounds for this motion are set forth in the accompanying memorandum, statement of material facts in accordance with the Hon. John R. Padova's Policies and Procedures, attorney declaration and attached exhibits, which are incorporated by reference as if fully set forth herein.

A certificate of service and proposed order are also supplied herewith in accordance with Local Rules 7.1(a) and (d).

Oral argument is hereby requested in accordance with Local Rule 7.1(f).

**WHEREFORE**, defendant Facebook respectfully requests that this Court grant its motion and enter an order precluding plaintiff XACP from seeking injunctive relief.

Respectfully submitted,

Dated: June 20, 2008

By: /s/ Heidi L. Keefe

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**CERTIFICATE OF SERVICE**

This is to hereby certify that on June 20, 2008, I caused a true and correct copy of the foregoing **Facebook's Notice of Motion and Motion for Partial Summary Judgment Precluding Injunction** to be served *via* this Court's Electronic Filing ("ECF") System, upon the following:

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/s/ Heidi L. Keefe  
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